

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORDAN MATTHEW BILTOFT,

Defendant.

No. 2:16-CR-068-WFN

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION

On January 4, 2017, the Court held a hearing on Defendant's Motion for Reconsideration of this Court's Order, ECF No. 57, revoking Defendant's pretrial release. Defendant was present with Assistant Federal Defender Amy H. Rubin. Assistant U.S. Attorney Scott T. Jones represented the United States.

Defendant urged the Court to reconsider release in light of Defendant's mental difficulties. The United States continues to oppose release.

In May of 2016 Defendant was charged with one count of Mail Theft, and was summoned to appear. The government did not request detention. At arraignment, Defendant was released on only the Standard Conditions of this District. ECF No. 11.

In September of 2016, Pretrial Services reported that Defendant had violated the terms and conditions of his pretrial release by being charged with Driving Without a License in the Third Degree, shoplifting, and failing to report these contacts with law enforcement. ECF No. 29. Defendant was summoned to court, but before the date of the scheduled hearing, Pretrial Services filed an additional Petition and report, alleging that Defendant was on a subsequent date cited for

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1 possessing drug paraphernalia consistent with opiate use. ECF No. 33.

2 At the violation hearing on October 13, 2016, Defendant admitted to the five
3 violations alleged in the two Petitions. This Court continued his release on all of the
4 previously imposed conditions, and the additional conditions of mental health
5 counselling, and drug evaluation, treatment and testing. ECF No. 37.

6 On October 18, 2016, Defendant pleaded guilty to the charge in the
7 Indictment. His release was continued pending a Presentence Report and
8 Sentencing, only after he was warned about his conduct while on release. ECF No.
9 39. Upon his plea of guilty, Defendant no longer enjoys a presumption of release.
10 In further detention proceedings he bears the burden of establishing that there are
11 conditions which will reasonably assure his appearance, and community safety. 18
12 U.S.C. § 3143, FED. R. CRIM. P. 46(c).

13 On December 1, 2016, Pretrial Services filed a Petition alleging that
14 Defendant violated the conditions of his release by driving an unlicensed or
15 improperly licensed vehicle, driving with a suspended license, and testing positive
16 for the use of heroin and methamphetamine. ECF No. 44. The report of the Pretrial
17 Services officer indicated that Defendant had been variously following too close on
18 the freeway, driving at a high speed, sometimes straying from his lane, with his five
19 year old child unrestrained in the front seat. This Court issued a summons.

20 Before the scheduled appearance, Pretrial Services filed an additional Petition
21 and report, ECF No. 52, alleging that Defendant had on December 12, 2016, again
22 violated the terms and conditions of his release by causing a very minor accident
23 while driving a motor vehicle, by driving with a suspended license, and by testing
24 positive for heroin use. This Court then issued a warrant.

25 At a revocation hearing before this Court on December 21, 2016, Defendant
26 admitted to the five pending violations. Defendant acknowledged that he had
27 attended four mental health counselling sessions, and implored the Court to continue
28 his release so he could be with his child over the holidays. The Court revoked

1 release, ECF No. 57, and Defendant has remained in custody since that date.

2 The issue of detention may be reopened at any time if a court finds there is
3 material information not known at the time of the initial decision. 18 U.S.C. §
4 3143(f)(2)(B).

5 The Court **FINDS** that there is no material information not known at the time
6 of the detention decision, and that Defendant has not met his burden of establishing
7 that there are conditions which will reasonably assure the safety of the community.

8 Accordingly Defendant's Motion, **ECF No. 59**, is **DENIED**. The Motion to
9 Expedite, **ECF No. 60**, is **GRANTED**.

10 **IT IS SO ORDERED.**

11 DATED January 6, 2017.



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A handwritten signature in black ink, appearing to read "M", is positioned above a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE